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PATENT
Customer No. 34,986
Attorney Docket No. 01064.0011-04-000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Richard LEVY) Group Art Unit: 1714
Serial No.: 09/357,957) Examiner: Cephia D. Toomer
Filed: July 21, 1999)
For: LUBRICANT COMPOSITIONS AND)
METHODS)

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Appeals from the decision of the Examiner
dated April 11, 2006.

The item(s) checked below are appropriate:

1. ☐ A Petition for extension of time to respond to the final rejection was filed on [Date] extending the period for response to [Date].
2. ☐ Applicant encloses a Petition for extension of time to further extend the period for response.
3. ☒ Ninety dollars of the balance of the Appeal Fee of \$250.00 (small entity)
☐ is enclosed or
☒ is to be paid by the attached FORM PTO 2038.
☒ An Appeal was filed in this application on January 2, 2002 with an appeal fee in the amount of \$160.00. The Manual of Patent Examining Procedure §1208.02 waives payment of \$160.00 of the Appeal fee in these circumstances. The attached FORM PTO 2038 authorizes payment of the \$90.00 balance due.

Application Serial No. 09/357,957
Notice of Appeal dated April 20, 2006
Response to the April 11, 2006 Office Communication

Applicant's attorney submitted a first Notice of Appeal by facsimile on April 20, 2006, but did not receive a confirmation of that Appeal by facsimile, nor was that Appeal posted on the Patent Office PAIR web-site as of April 27, 2006. Accordingly, Applicant has filed this Appeal as a back-up to the April 20, 2006 Appeal. Applicant's attorney also attaches a back-up Form PTO 2038 for payment of the \$90 balance of the appeal fee. See the last paragraph of page one of this appeal for the computation of the fee.

Respectfully submitted,

THE LAW OFFICES OF ROBERT J. EICHELBURG

April 27, 2006

By: /Robert J. Eichelburg, Reg. No. 23,057/

Robert J. Eichelburg

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CERTIFICATE OF FACSIMILE TRANSMISSION PURSUANT TO 37 C.F.R. § 1.6 (d)

I hereby certify that this correspondence is being transmitted pursuant to 37 C.F.R. § 1.6(d) by facsimile to The United States Patent and Trademark Office, Central FAX Number (571) 273-8300 on the dates indicated below.

April 20, 2006, and
April 27, 2006 (back-up)

By: /Robert J. Eichelburg, Reg. No. 23,057/
Robert J. Eichelburg